

ORDINANCE 04-\_\_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 7, ARTICLE II, OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ADDING A NEW SECTION 7-24, PROVIDING FOR THE ASSESSMENT OF ADDITIONAL COURT COSTS IN CRIMINAL CASES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on November 3, 1998, the voters of Florida adopted Revision 7 to the Florida Constitution, thereby amending Article V of the Constitution, in order to address the problem of disparate court funding throughout the separate 67 counties of the state; and

WHEREAS, during the 2003 Session of the State Legislature, the Legislature amended various provisions of the Florida Statutes in order to comply with the requirements of Revision 7; and

WHEREAS, after review, the Legislature enacted further amendments to the Florida Statutes in order to provide a more equitable distribution of responsibility for funding the State courts system; and

WHEREAS, the Florida Legislature created Section 939.185, Florida Statutes, to address some of these concerns by providing a supplemental funding source through the imposition of additional court costs; and

WHEREAS, Section 939.185 permits each county to adopt a County Ordinance assessing additional court costs, not to exceed \$65; and

WHEREAS, additional funding must be used for the following purposes: (1) Funding innovations in the court system; (2) Legal aid programs; (3) Local law libraries; and (4) Alternative juvenile programs, including Teen Court; and

WHEREAS, these are programs that the County has consistently supported through the imposition of court costs, based on their value to the community; and

WHEREAS, the legislation permitting these additional court costs requires that the Board of County Commissioners adopt an Ordinance requiring the imposition of these costs; and

WHEREAS, these additional funds are necessary in order for the courts in this County to maintain their high level of service to the community of Leon County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA THAT:

**Section 1.** Chapter 7, Article II of the Code of Laws of Leon County, Florida, is hereby amended by adding a new section to be numbered 7-24, which section shall read as follows:

**Section 7-24. Additional Court Costs in Criminal Cases.**

(a) Pursuant to Section 939.185, Florida Statutes, an additional court cost of sixty-five (\$65) dollars shall be imposed by the Court when a person pleads guilty or nolo contendere, or is convicted of any felony, misdemeanor, or criminal traffic offense under the laws of the State of Florida. Such court cost shall be collected by the Clerk of the Court and remitted to Leon County. Funds received from this additional court cost shall be allocated as follows:

1. Twenty-five percent shall be utilized by the County to fund innovations to and supplement funding for the State courts system in Leon County consistent with Sections 29.004 and 29.008(2)(a)2, Florida Statutes.

2. Twenty-five percent shall be utilized by the County to fund legal aid programs in Leon County consistent with Section 29.008(3), Florida Statutes.
  3. Twenty-five percent shall be utilized by the County to fund law libraries in Leon County.
  4. Twenty-five percent shall be utilized by the County to fund alternative juvenile programs in Leon County, including Teen Court.
- (b) The Court shall order payment of these additional court costs on all matters subject to this Ordinance, but may defer payment if the person against whom the cost is imposed is indigent.
- (c) At the end of each County fiscal year during which said additional court costs are imposed, collected and remitted to Leon County, any surplus thereof, shall be required to be reallocated and transferred for use to fund innovations to supplement funding to the State courts system in Leon County under Paragraph (a)(1) above.

**Section 2. Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any part of this ordinance which is inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.** If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such

portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4. Effective Date.** This ordinance shall have effect upon becoming law.

Attest:  
Bob Inzer, Clerk of Circuit Court

**LEON COUNTY, FLORIDA**

By: \_\_\_\_\_  
Clerk

By: \_\_\_\_\_  
Jane G. Sauls, Chairman  
Board of County Commissioners

Approved as to form:  
County Attorney's Office  
Leon County, Florida

By: \_\_\_\_\_  
Herbert W. A. Thiele, Esq.  
County Attorney